REMARKS

Status of Application

Claims 1-14 are all currently pending claims in the Application.

Objection to Specification

The Examiner objects to the Specification because it allegedly introduces new matter into

the disclosure. We would respectfully request that the Examiner withdraw the objection to the

Specification based on our comments below.

Objection to the Drawings

The Examiner also objects to the drawings because they allegedly introduce new matter

into the disclosure. We would respectfully request that the Examiner also withdraw the

objection to the drawings based on our comments below.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly

failing to comply with the written description requirement. This rejection should be

traversed for at least the following reasons.

The Examiner contends that the claims contain subject matter not sufficiently described

in the original Specification, due to the amendment of February 13, 2007, in which the term

"composition rate" was consistently clarified by amendment to "composition ratio."

The Examiner, however, appears to misread portions of the Specification quoted by

Applicant in the amendment of February 13, 2007. The original Specification read as follows:

> [T]he display control section 34 can generate composite (blended)
> image data of the first pattern image data and the second pattern
> image data blended according to a positional relationship between

> the first model and the second model, and image composition rate
> setting, and display this composite image.

(Original Specification at 13.)

The Examiner contends that this portion of the original Specification indicates that an

"image composition rate" as described in the phrase "image composition rate setting" is different

from the described "composite (blended) image data of the first pattern image data and the

second pattern image data." We would respectfully submit that this interpretation is not possible,

and that this passage would not be so read by one of ordinary skill in the art.

The above-quoted portion of the original specification describes what "the display control

section 34 can generate." What is generated is "composite (blended) image data of the first

pattern image data and the second pattern image data."

The portion goes on to describe how this "composite (blended) image data" is generated,

by stating that it is generated "according to a positional relationship between the first model and

the second model, and image composition rate setting." Thus, one of the two stated factors

involved in the "generating" is an "image composition rate setting." Finally, this portion states

that "the display control section 34" can also "display this composite image."

One of ordinary skill in the art would undoubtedly understand immediately that the

"image composition rate setting" is a setting which is a factor in how the "composite image" is

composed. Thus, the term "image composition rate setting" in this context would clearly be

understood to refer to a setting related to the ratio in which "the first pattern image data and the

second pattern image data [are] blended," i.e., a setting with respect to how the "composite

(blended) image data" is composed.

Furthermore, in the amendment of February 13, 2007, Applicant also noted the following

portion of the original Specification, which unequivocally indicates the function of the described

"composition rate":

> [A] result of adding a pixel value P0 . . . [to a] pixel value P1
> having composition rate set times image composition rate $\sigma 1$, that
> is a value of $\underline{P0 + P1 \times \sigma 1}$, is set as a new pixel value.

(Specification at 12, emphasis added.)

Based on the above-quoted portions of the original Specification, it would be clear to one

of ordinary skill in the art that although the described value $\sigma 1$ might more commonly be

referred to as a "ratio" rather than a "rate," these terms are closely related in meaning and

etymology. Moreover, there could be no confusion to one of ordinary skill in the art regarding

this aspect of the invention, as the above-quoted mathematical notation and description makes its

function quite clear. In particular, the multiplication of P1 by the factor $\sigma 1$ mathematically

defines a ratio in which P0 and P1 are composed, by scaling the contribution of P1.

We would also respectfully submit that the Japanese term "ritsu" (率), as used in the term

"gazou gousei ritsu" (画像合成率), or "image composition rate/ratio" in Japanese Application

No. 2002-355882, from which the present application claims priority, has a broad meaning, and

is often translated as both "rate" and "ratio" in English. For example, one technical dictionary

translates the term "ritsu" as "rate" in the case of "character error rate" and as "ratio" in the case

of "aspect ratio." Gene Ferber, English-Japanese / Japanese-English Dictionary of Computer and

Data Processing Terms 12, 29 (MIT Press 1989).

Thus, claims presently containing the term "composition ratio" were sufficiently

described in the original specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Based on the original Specification as described above, one of ordinary skill in the art could not have any reasonable question as to what the term "composition ratio" refers to. Accordingly, we would respectfully request that the Examiner withdraw this rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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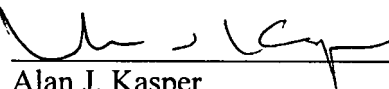
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